

REMARKS

The Official Action mailed January 9, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to May 10, 2004. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 1, 2001, September 30, 2002, and October 28, 2002. However, the Applicant has not received acknowledgment of the IDS filed on December 10, 2003. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the IDS filed December 10, 2003.

Claims 1-14 and 42-53 were pending in the present application prior to the above amendment. Claims 7-14 have been canceled and claims 1, 3, 5, 42, 46 and 50 have been amended to better recite the features of the present invention. Accordingly, claims 1-6 and 42-53 are now pending in the present application, of which claims 1, 3, 5, 42, 46 and 50 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1, 3, 5, 7, 9-11, 13, 14, 42, 44-46, 48-50, 52 and 53 as anticipated by U.S. Patent No. 4,475,027 to Pressley. Paragraph 3 of the Official Action rejects claims 1 and 42 as anticipated by GB 2270196 to Jung et al. Paragraph 4 of the Official Action rejects claims 1 and 42 as anticipated by U.S. Patent 5,440,423 to Ogura. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 42 have been amended to recite that one of the two reflectors comprises a plurality of convex mirrors, and the other one of the two reflectors comprises a plurality of concave mirrors, for example see reference numerals 1401 and 1107 in the specification.

Independent claims 3 and 46 have been amended to recite that one of the two reflectors comprises a plurality of convex and concave mirrors, and the other one of the two reflectors comprises a plurality of concave mirrors, for example see reference numerals 1501 and 1107 in the specification.

Independent claims 5 and 50 have been amended to recite that one of the two reflectors (first reflector in claim 50) comprises a plurality of concave mirrors, and the other one of the two reflectors (second reflector in claim 50) comprises a plurality of plane mirrors, for example see reference numerals 1106 and 1601 in the specification.

Pressley, Jung or Ogura does not teach all the elements of the independent claims, either explicitly or inherently. Pressley appears to teach two reflectors 10a and 10b, Jung appears to teach two reflectors 50 and 52, and Ogura appears to teach a homogenizer 17 with an array of paraboloid mirrors 21, all of which appear to be concave reflectors or mirrors. However, Pressley, Jung or Ogura does not teach at least the above-noted features of the independent claims of the present invention, either explicitly or inherently.

Since Pressley, Jung and Ogura do not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 6 of the Official Action rejects claims 2, 4, 6, 8, 12, 43, 47 and 51 as obvious based on the combination of Pressley and U.S. Patent No. 5,900,980 to Yamazaki et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Yamazaki does not cure the deficiencies in Pressley. The Official Action relies on Yamazaki to allegedly teach a "relation between the number of cylindrical lenses in the homogenizer and the length of the laser beam" and other unrelated features (page 5, Paper No. 15). However, Pressley and Yamazaki, either alone or in combination, do not teach or suggest at least the above-noted features of the independent claims of the present invention. Since Pressley and Yamazaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


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